

DECLARATION - USA PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **BOOT PROCEDURE FOR OPTICAL TRANSCEIVER NODES IN A FREE-SPACE OPTICAL COMMUNICATION NETWORK**; the specification of which is attached hereto;

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56;

I hereby claim the benefit under Title 35, United States Codes § 119(e) of any United States provisional application(s) listed below.

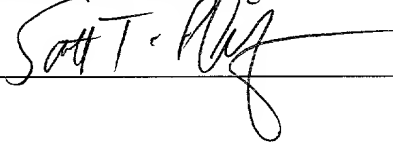
Application No.: 60/240,265

Filing Date: October 13, 2000

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: Scott Platenberg

Inventor's signature



Date

8/8/01

Residence: 756 Winding Way, Encinitas, CA 92024

Citizenship: USA

Post Office Address: 756 Winding Way, Encinitas, CA 92024

Full name of Second inventor: Glenn Hoiseth

Inventor's signature Glenn Hoiseth

Date 8-8-2001

Residence: 29894 Avenida Cima del Sol, Temecula, CA 92591

Citizenship: USA

Post Office Address: 29894 Avenida Cima del Sol, Temecula, CA 92591

Full name of Third inventor: Tom McMillan

Inventor's signature Tom McMillan

Date 8-8-2001

Residence: 9258 Maler Road, San Diego, CA 92129

Citizenship: USA

Post Office Address: 9258 Maler Road, San Diego, CA 92129

Send Correspondence To:
KNOBBE, MARTENS, OLSON & BEAR, LLP
Customer No. 20,995

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Platenberg, et al.)
)
App. No. : Unknown)
)
Filed : Herewith)
)
For : BOOT PROCEDURE FOR OPTICAL)
TRANSCIEVER NODES IN A FREE-)
SPACE OPTICAL)
COMMUNICATION NETWORK)

Examiner : Unknown

ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION
AND
REVOCATION AND POWER OF ATTORNEY

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). A true copy of the original Assignment of the above-captioned application from the inventor(s) to the Assignee is attached hereto. This Assignment represents the entire chain of title of this invention from the Inventor(s) to the Assignee.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, 620 Newport Center Drive, Sixteenth Floor, Newport Beach, California 92660, Telephone

App. No. : Unknown
Filed : Herewith

(949) 760-0404, **Customer No. 20,995**, as its attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected herewith. This appointment is to be to the exclusion of the inventor(s) and his attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

Please use **Customer No. 20,995** for all communications.

AIRFIBER, INC.

Dated: August 9, 2001

By: C. S. Andrews

Name: Craig Andrews

Title: General Counsel

Address: 16510 Via Esprillo,
San Diego, CA 92127

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ASSIGNMENT

WHEREAS, We, Scott Platenberg, a USA citizen, residing at 756 Winding Way, Encinitas, CA 92024, Glenn Hoiseth, a USA citizen, residing at 29894 Avenida Cima del Sol, Temecula, CA 92591, and Tom McMillan, a USA citizen, residing at 9258 Maler Road, San Diego, CA 92129 have invented certain new and useful improvements in a BOOT PROCEDURE FOR OPTICAL TRANSCEIVER NODES IN A FREE-SPACE OPTICAL COMMUNICATION NETWORK for which we have executed an application for Letters Patent in the United States, on even date herewith;

AND WHEREAS, AIRFIBER, INC. (hereinafter "ASSIGNEE"), a California Corporation, with its principal place of business at 16510 Via Esprillo, San Diego, CA 92127, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application:

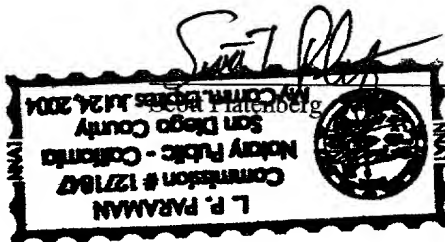
NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all provisional applications relating thereto, and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 8 day of AUGUST, 2001

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

SS.



On 8 AUGUST 2001 before me, L. P. PARAMAN, NOTARY, ^{PUBLIC} personally appeared Scott Platenberg personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

L. P. Paraman

Notary Signature

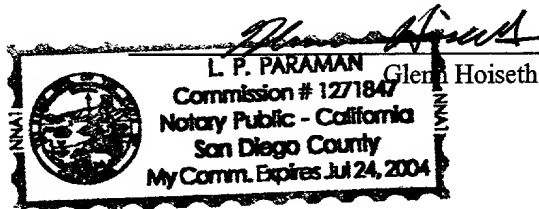
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IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 8TH day of AUGUST, 2001

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

SS.



On 8 Aug 2001, before me, L. P. PARAMAN, NOTARY PUBLIC, personally appeared Glenn Hoiseth personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

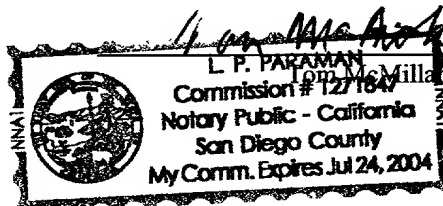
[SEAL]

L. P. Paraman
Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 8TH day of AUGUST, 2001

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

SS.



On 8 AUG 2001, before me, L. P. PARAMAN NOTARY PUBLIC, personally appeared Tom McMillan personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

L. P. Paraman
Notary Signature

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